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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

1) \$1,774.65 IN WELLS FARGO
ACCOUNT XXXXXX4687;

2) \$4,906.28 IN BANK OF AMERICA
ACCOUNT XXXXXX1479;

3) \$18,944.75 IN E*TRADE FINANCIAL
ACCOUNT XXX-22920;

4) 1998 SUZUKI SIDEKICK, VIN
JS3TD21V8W4100132, CALIFORNIA
LICENSE 4YYF388; AND

5) MISCELLANEOUS FIREARMS AND
AMMUNITION,

Defendants.

No. CV 08-0496 JF

**SETTLEMENT STIPULATION AND
[PROPOSED] ORDER OF FORFEITURE**

AYSA DONG,
Claimant.

1 In full settlement of all claims and disputes arising from and related to the captioned
 2 forfeiture action, plaintiff United States of America, and claimant Aysa Dong, hereby stipulate
 3 and agree as follows:

4 1. On January 23, 2003, plaintiff commenced a civil action seeking forfeiture of the
 5 following defendant properties;

- 6 A. \$1,774.65 in Wells Fargo Account XXXXXX4687
- 7 B. \$4,906.28 in Bank of America Account XXXXXX1479
- 8 C. \$18,944.75 in E*Trade Financial Account XXX-22920
- 9 D. 1998 Suzuki Sidekick, VIN JS3TD21V8W4100132
- 10 E. Miscellaneous Firearms and Ammunition ("hereinafter defendant
 11 property")

12 2. Aysa Dong is the sole claimant to the defendant property A-D. No claims were
 13 filed to defendant property E.

14 3. Claimant Aysa Dong admits that sufficient evidence exists to establish the
 15 forfeiture of \$18,944.75 in E*Trade Financial Account XXX-22920 and the Miscellaneous
 16 Firearms and Ammunition, pursuant to Title 18, United States Code, Section 981(a)(1)(G)(iv).
 17 Aysa Dong further relinquishes all right, title and interest in said \$18,944.75 in E*Trade
 18 Financial Account XXX-22920 and the Miscellaneous Firearms and Ammunition, and agrees
 19 that said funds and firearms and ammunition shall be forfeited to the United States and disposed
 20 of according to law by the appropriate designated agency without further notice to her

21 4. The remaining funds namely \$1,774.65 in Wells Fargo Account XXXXXX4687
 22 (plus any and all interest) and \$4,906.28 in Bank of America Account XXXXXX1479 (plus any
 23 and all interest) and the 1998 Suzuki Sidekick shall be returned to Claimant Aysa Dong, in care
 24 of ~~her attorney~~ Nicholas Humy, whose business address is 160 West Santa Clara Street, Suite
 25 575, San Jose, CA 95113, telephone number (408) 291-7753. Such payment shall be in full
 26 settlement and satisfaction of any and all claims by claimant Aysa Dong, her heirs,
 27 representatives and assignees to the defendant property indirectly or directly related to this action.

28 5. Claimant Aysa Dong, her heirs, representatives and assignees, shall hold harmless the

1 United States, any and all agents, officers, representatives and employees of same, including all
2 federal and local enforcement officers, for any and all acts directly or indirectly related to the
3 seizure, detention and forfeiture of the defendant property.

4 6. Each party shall pay its own attorney fees and costs.

5 DATED: 8/24/09

JOSEPH P. RUSSONIELLO
United States Attorney

STEPHANIE M. HINDS
Assistant United States Attorney

10 DATED:

11 DATED: 08/17/09

12 NICHOLAS HUMY
13 Attorney for Claimant Aysa Dong

14 AYSA DONG
15 Claimant

FINAL ORDER OF FORFEITURE

Based upon the above stipulation, all pleadings filed herein, the Court hereby finds that sufficient evidence exists to establish forfeiture of the \$18,944.75 in E*Trade Financial Account XXX-22920 and the Miscellaneous Firearms and Ammunition as alleged in the Complaint for Forfeiture.

Accordingly, IT IS HEREBY ORDERED that \$18,944.75 in E*Trade Financial Account XXX-22920 and the Miscellaneous Firearms and Ammunition shall be, and hereby are, forfeited pursuant to Title 18, United States Code, Section 981(a)(1)(G)(iv) without further notice to Claimant Aysa Dong. All right, title and interest in said defendant funds and firearms and ammunition are hereby vested in the United States of America.

IT IS FURTHER ORDERED that the remaining funds namely \$1,774.65 in Wells Fargo Account XXXXXX4687 (plus any and all interest) and \$4,906.28 in Bank of America Account XXXXXX1479 (plus any and all interest) and the 1998 Suzuki Sidekick shall be returned to Claimant Aysa Dong, in care of ~~her attorney~~ Nicholas Humy, whose business address is 160 West Santa Clara Street, Suite 575, San Jose, CA 95113, telephone number (408) 291-7753. Such payment shall be in full settlement and satisfaction of any and all claims by claimant Aysa Dong, her heirs, representatives and assignees to the defendant property indirectly or directly related to this action.

IT IS FURTHER ORDERED that claimant Aysa Dong, her heirs, representatives and assignees, shall hold harmless the United States, any and all agents, officers, representatives and employees of same, including all federal and local enforcement officers, for any and all acts directly or indirectly related to the seizure, detention and forfeiture of the defendant property.

IT IS FURTHER ORDERED that each party bear its own costs and attorneys fees.

IT IS FURTHER ORDERED that the United States, through the appropriate designated agency, shall dispose of the forfeited property according to law.

IT IS SO ORDERED.

1 DATED: 8/26/09

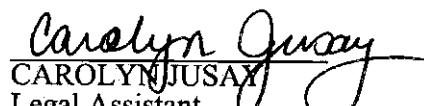

JEREMY FOGEL
United States District Judge

3 CERTIFICATE OF SERVICE

4
5 The undersigned hereby certifies that she is an employee in the Office of the United
6 States Attorney for the Northern District of California and is a person of such age and discretion
7 to be competent to serve papers. The undersigned further certifies that she caused a copy of
8 SETTLEMENT STIPULATION AND [PROPOSED] ORDER OF FORFEITURE to be served
9 this date by U. S. first class mail delivery upon the person below at the place and address which
10 is the last known address:

11 *Aysa Dong*
12 Nicholas P. Humy, Esq
13 Assistant Federal Public Defender
14 160 West Santa Clara Street, Suite 575
15 San Jose, CA 95113

16
17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct. Executed this 25th day of ^{August} ~~May~~, 2009 at San Francisco,
19 California.

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21 
22 CAROLYN JUSAY
23 Legal Assistant
24 Asset Forfeiture Unit
25
26
27
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